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Francis North,
THE
Lord Keeper's
SPEECH
TO

Mr. Serjeant SAUNDERS,
At the time He was Sworn
LORD CHIEF JUSTICE
Of His MAJESTIE'S Court
OF
Kings-Bench,

Tuesday the 23d. January, 1682.



LONDON,

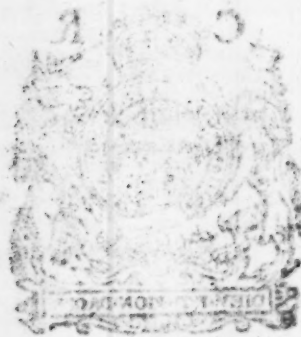
Printed for Robert Pawlet, at the Sign of the
Bible in Chancery-Lane, 1682.

THE
 Lord Keepers
 OF THE
 GREAT SEAL
 TO

His Majesty's Court
 OF CHANCERY
 OF
 GREAT BRITAIN

King's Bench

Printed by J. G. Smith, 1882.



LONDON

Printed for Robert Parker, at the Sign of the
 Bible in Chancery-Lane, 1882.

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THE
LORD KEEPER'S
SPEECH

TO
Mr. Serjeant SAUNDERS,

At the time He was Sworn

LORD CHIEF JUSTICE

Of His Majesty's Court of

Kings-Bench.



YOU are sent for hither by
the Kings Command, to
supply the Place of Chief
Justice of this Court, now
vacant by the removal of the Lord
Chief Justice Pemberton, to be Chief
Justice of the Court of Common-Pleas.

It was a very unpolitick course that
was taken heretofore, to punish a
Chief Justice that served ill in the
Common-Pleas, by advancing him to
this Place, to make him discontented,
and at the same time to intrust him
with greater Power.

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The King has inverted that course; He will not have this a Seat of discontent: they that serve Him well here, shall have this encouragement, that though they are in the Highest Place of the Law, they are not above his Reward; for if they desire it, He will prefer them to Ease and Plenty in a Lower Station.

There could never be a better occasion to make this demonstration: for no Mans Services were more Eminent, nor better Accepted, than my Lord Chief Justice *Pemberton's*, and yet there was a further Reason for the taking him from Hence, The King had need of his Service in His Privy Council, which would require more time than could be spared from this busie Province, without great prejudice to His People.

And that His People may not suffer in the want of so good a Magistrate, His Majesty hath taken care in the Choice of Your Self, to Succeed him in this Great and Important Office.

You

You are so qualified for it by your natural and acquired Parts, by your solid Judgment to determine right, and your clear expression of reason for the satisfaction of others, by your Knowledge of the Law, and long experience in the practice of this Court: And these abilities not mastered by any unruly passions, nor accompanied with any suspicion of Pride or Covetousness, but having the advantage of meeting a Person of manifest Integrity and Affection to the King's Service. I say, you are thus so eminently qualified for this Office, that the King immediately, and without any Hesitation designed the Office for You; and though others had been longer in His Service, and very useful to it, yet His Majesty was pleased with an Occasion, to shew the World, that he will consider neither Age nor Order, in disposing of Places of Great Trust in the Law, but they which are most fit and deserve best of him, shall be preferred.

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Mr.

Mr. Serjeant ; The Greatness of your Merit doth not lessen the Obligation you have to the King ; for notwithstanding this Great Character you have obtained in the World , there is much more to be expected from you, which the King takes upon trust. You are now to shew your Self a Good Magistrate, which requires another sort of Spirit ; Every good Lawyer cannot make a good Judge, nor every good Man a good Magistrate, though every good Judge must be a good Lawyer and a good Man.

Sometimes a private man is commended for Qualities, which in a Magistrate would be Faults.

A private man is praised for shewing Humility and Deference to others in his Conversation, and passing by Indignities.

But a Judge must take Greatness upon

upon him; He must consider he represents the King's Person in his Seat of Justice; He must therefore be very careful to preserve the Dignity that belongs to it.

He must have Passions, but not of a private man, that may disturb his Judgment, but he must assume Passion to set off his Severity, when the Greatness of the Crime requires it; but it must be done so, as it may appear that his Judgment governs his Passion, and directs it against the Offence, and not against the Person.

A Judge must be covetous, but not as a private man, for his own profit, but he must be very solicitous for the King's Profit, knowing that the King's Revenue is like the Animal Spirits, without which the Government would not be able to perform its ordinary Motions.

Mr. Serjeant, you that have already shown

shown your self a good man and a good Lawyer, will now approve your self (I doubt not) a good Magistrate, and a good Judge ; I may say without Flattery, that you come into this Seat with as few Passions and personal Frailties, as any that have been before you.

But in another respect your Burthen is far greater than theirs, in respect of the Times ; The Age is degenerate and full of Faults ; Faults of Irreligion, Immorality, Debauchery, Quarrelling, Falseness and Faction, so full of Faults that it requires more than a man to censure them.

You will therefore consider that inferior Magistrates and inferior Jurisdictions are to take a great part of this Labour off your hands, in that regard you will upon all Occasions encourage and direct them to make them useful to you, and not overthrow their Proceedings upon every slight Exception, to drive People to begin their Process here at greater Charge. And

And when Justices of the Peace act candidly, though not with so much Skill in the Law, you will shew Tenderness to them, as Gentlemen that serve the King and the Publick for nothing, and have not those Assistances of Council and Officers that are here.

You have the Assistance of very skilful Officers in this Court, and you will give them all due Encouragement; but you must have a strict Eye over them, that they neither oppress the Innocent, by sending out Proceſs, upon every malicious and frivolous Information, nor take part with Offenders, by making Errors, whereby, after Conviction they shall escape out of the Hands of Justice.

They are paid Fees for Discharges, but not for Convictions; and therefore it may be feared they will not be careful to prevent Errors: But they should know, the greatest Use of Officers, is, that Business should be in the Hands of skilful Men; and that when a Criminal escapes by their Negligence or Ignorance, the Fault of the

Offender lies upon them, and they show themselves to be unfit for their places.

Mr. Serjeant, When you have the due Assistance of Inferiour Magistrates, and of the Officers of this Court, your Province will not be so burthensome as it is esteemed.

And you may yet reduce it into less Compass, by seasonable Severities, whereby, when you have once mastered the Heads of Disorder, others will easily be kept in Obedience to the King's Laws.

The Temper of the present Age requires your Severity in Cases of Sedition. It was lately grown to that Height and Insolence, and managed with that Malice, that it was thought very near breaking out into open Force, to the Danger of the Kingdom: But by the wise Conduct of His Majesty, with the Blessing of God, it was suffered to baffle it self by its own Extravagance, you may expect it should now be crafty; therefore you must be the more careful to stop the Beginnings of so dangerous and quick-spreading a Poyson,

fon, and to suppress all false News, Libels, and other Materials of Sedition.

A great means towards it, will be to cut off all hopes it may have of Countenance in the Courts of Justice. You must not suffer Councils to abett the Guilt of their Clients, instead of endeavouring to make them appear innocent, nor urge their own Opinions instead of Arguments of Law; and with that pretence of Authority, that when the Court differs from them, they affect to shew a Discontent, as if they appealed to the By-standers. These Indelicencies were not tolerated heretofore, and if you meet with them, you should animadvert severely upon those that offend.

You must be sure to maintain the respect that is due from the Bar to the Court.

The Greatness and Dignity of this Court, is necessary to the use of it, that no Offenders may think either by their Number or Magnitude to be too hard for Justice.

Mr. Serjeant, I touch these things
but

but lightly, your own Judgment will shew you better Methods, to make the Jurisdiction of this Court answer the ends of its Institution.

That the World may see the truth of the Act of Parliament, that took away the Court of *Star-Chamber*, which recites, that whatsoever was regularly punishable there, might be punished in the ordinary Courle of Justice.

That the King may see the use and sufficiency of the Law for the Support of his Government, and may be more and more satisfied in his Resolutions to govern according to Law; and all his People may live happily under his Government.

Mr. Serjeant, When you have these Great things under your Care, I know you will do your utmost for the accomplishing them.

F I N I S.